

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. Unfortunately (and unbeknownst to the Department), the petitioner incurred medical expenses on May 1, 2007,

which have not been covered by VHAP. The petitioner seeks retroactive coverage of that expense.

ORDER

The Department's decision is affirmed.

REASONS

Under the VHAP regulations the Department has "within 30 days" to act on an application for VHAP. W.A.M. § 4002.2. Coverage is "effective the day eligibility is approved". W.A.M. § 4002.31. In this case there is no question that the Department made a decision of eligibility and began the petitioner's effective date of coverage well within the above time limits. Unfortunately, this was a few days too late to cover the petitioner's medical expenses incurred on May 1, 2007. However, inasmuch as the Department's decision in this matter was fully in accord with the pertinent regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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